

IN THE SENATE OF THE UNITED STATES.

MARCH 30, 1858.—Ordered to be printed.

Mr. CLAY made the following

REPORT.

[To accompany Bill S. 56.]

The Committee on Pensions, to whom was referred Senate bill No. 56, entitled "A bill explanatory of an act entitled 'An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,' approved March 3, 1855," have had the same under consideration and beg leave to report:

That for the reasons set forth in the letter of the Commissioner of Pensions, dated March 3, 1858, hereunto appended, they recommend that the bill do not pass.

PENSION OFFICE, *March 3, 1858.*

SIR: I have the honor to return you the bill for a public act entitled "A bill explanatory of an act entitled 'An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,' approved March 3, 1855."

The object of such a law would be to extend the grant of bounty land to a class of persons who are not now beneficiaries, and it might be to the exclusion of some who are. For example: under the act of February 11, 1847, providing for the soldiers of the Mexican war, the only persons entitled, in the event of the death of the soldier, are, 1st, his widow and children jointly; 2d, his father; 3d, his mother; and 4th, his brothers and sisters.

Under the act of September 28, 1850, the bounty goes first exclusively to the widow of the soldier, and, in the event of her death, also exclusively to the minor children.

Under the act of March 3, 1855, where the soldier has died, the benefits of the act go first to the widow exclusively, and, in the event of her death or intermarriage, second to those of the children who were minors on the 3d of March, 1855; but if there be no such children, the widow of the soldier is remitted back to her rights upon the death of, or her divorce from, her second husband.

In the absence of any of these expressly constituted beneficiaries,

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the right to the bounty is now held to have lapsed to the government; but such a law as this bill proposes to become would wholly exclude the widows, as it seems to me, of all the rights conferred upon them by existing laws, and compel the minor children to share equally with those who had attained to majority.

No difficulty is experienced in securing the rights of parties constituted beneficiaries under existing laws. The general policy of Congress in the passage of the recent bounty land laws seems to have been to protect the helpless dependents upon the soldier, viz: his widow and minor children. Beyond these, I cannot perceive that the government is under any obligation to provide for; but if the bounty provided by the act of 3d March, 1855, is by further legislation to be extended to other than the beneficiaries named therein, it ought, in my opinion, to be limited to the personal representatives named in the act of February 11, 1847, and the acts amendatory thereof, viz: the widow and children of the soldier, his parents and brothers and sisters.

With great respect, I am your obedient servant,

GEORGE C. WHITING,
Commissioner.

Hon. GEORGE W. JONES,

Chairman Committee on Pensions, United States Senate.